

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC

Defendant.

Civil Action No.: 1:19-cv-12551 FDS

**DEFENDANT'S ASSENTED TO MOTION
TO SEAL PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 74-1, Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) certain exhibits attached to the Declaration of Anna Porto in Support of Defendant Google LLC’s Motion to Compel (ECF No. 246) (“the Porto Declaration”). The exhibits to be sealed are identified below.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information.” Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to “Confidential” information bring a motion to impound. *Id.* ¶ 14. The following exhibits to the Porto Declaration are either documents that Singular has designated as containing confidential information or are correspondence between counsel quoting such material:

- Exhibit A is a true and correct copy of correspondence from Anna Porto to Singular’s counsel, dated June 22, 2021.
- Exhibit C is a true and correct copy of correspondence from Anna Porto to Singular’s counsel, dated June 28, 2021.
- Exhibit D is a true and correct copy of correspondence from Anna Porto to Singular’s counsel, dated July 2, 2021.
- Exhibit E is a true and correct copy of Singular’s Responses to Google’s Fourth Set of Interrogatories, dated June 23, 2021.
- Exhibit G is a true and correct copy of Singular’s Objections and Responses to Google’s First Set of Interrogatories, dated August 26, 2020.
- Exhibit J is a true and correct copy of Singular’s Response to Google’s Third Set of Interrogatories and Supplemental Responses to Interrogatory Nos. 15 and 16, dated May 12, 2012.
- Exhibit K is a true and correct copy of a document produced in this litigation at SINGULAR-00025012.
- Exhibit L is a true and correct copy of a document produced in this litigation at SINGULAR-00006472.

- Exhibit M is a true and correct copy of an excerpt of a document produced in this litigation at SINGULAR-00010636.

Google's Memorandum of Law in Support of its Motion to Compel quotes from and discusses these confidential exhibits. Submission of the above-identified confidential documents is thus necessary to permit the Court to fully evaluate the issues raised in Google's Motion to Compel. Google therefore brings this Motion to Impound to impound both the above-identified exhibits and those portions of Google's Memorandum of Law that quote from or discuss the confidential information contained within those exhibits. A redacted, public version of Google's Memorandum of Law in Support of its Motion to Compel will be filed concurrently with this motion.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the above-identified exhibit under seal because Singular has taken the position that the exhibits discuss confidential business information. Google further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: July 15, 2021

By: /s/ Nathan R. Speed
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LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Nathan R. Speed, counsel for Defendant, hereby certifies that counsel for Defendant conferred with Plaintiff's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Plaintiff's counsel informed counsel for Defendant that Plaintiff assents to the relief sought in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing pleading was served upon the attorneys of record for all parties by electronically filing the foregoing pleading with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to registered attorneys of record.

Dated: July 15, 2021

/s/ Nathan R. Speed
Nathan R. Speed